

The Case of Belgium

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By

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CHAPTER IX

THE CASE OF BELGIUM

THE callous disregard by Germany of the rights of Belgium is one of the most shocking exhibitions of political iniquity in the history of the world.

That it has had its parallel in other and less civilized ages may be freely admitted, but until German scientists, philosophers, educators, and even doctors of divinity attempted to justify this wanton outrage, it had been hoped that mankind had made some progress since the times of Wallenstein and Tilly.

The verdict of Civilization in this respect will be little affected by the ultimate result of the war, for even if Germany should emerge from this titanic conflict as victor, and become, as it would then undoubtedly become, the first power in the world, it would none the less be a figure for the "time of scorn to point its slow unmoving finger at." To the eulogists of Alexander the Great, Seneca was wont to say, "Yes, but he murdered Callisthenes," and to the eulogists of victorious Ger-

many, if indeed it shall prove victorious, the wise and just of all future ages will say, "Yes, but it devastated Belgium."

The fact that many distinguished and undoubtedly sincere partisans of Germany have attempted to justify this atrocious rape, suggests a problem of psychology rather than of logic or ethics. It strongly illustrates a too familiar phenomenon that great intellectual and moral astigmatism is generally incident to any passionate crisis in human history. It shows how pitifully unstable the human intellect is when a great man like Dr. Haeckel, a scholar and historian like Dr. von Mach, or a doctor of divinity like Dr. Dryander, can be so warped with the passions of the hour as to ignore the clearest considerations of political morality.

At the outbreak of the present war Belgium had taken no part whatever in the controversy and was apparently on friendly relations with all the Powers. It had no interest whatever in the Servian question. A thrifty, prosperous people, inhabiting the most densely populated country of Europe, and resting secure in the solemn promises, not merely of Germany, but of the leading European nations that its neutrality should be respected, it calmly pursued the even tenor of its way, and

was as unmindful of the disaster, which was so suddenly to befall it, as the people of Pompeii were on the morning of the great eruption when they thronged the theatre in the pursuit of pleasure and disregarded the ominous curling of the smoke from the crater of Vesuvius.

On April 19, 1839, Belgium and Holland signed a treaty which provided that "Belgium forms an independent state of perpetual neutrality." To insure that neutrality, Prussia, France, Great Britain, Austria, and Russia on the same date signed a treaty, by which it was provided that these nations jointly "became the guarantors" of such "perpetual neutrality."

In his recent article on the war, George Bernard Shaw, who is inimitable as a farceur but not quite convincing as a jurist, says:

As all treaties are valid only *rebus sic stantibus*, and the state of things which existed at the date of the Treaty of London (1839) had changed so much since then . . . that in 1870 Gladstone could not depend on it, and resorted to a special temporary treaty not now in force, the technical validity of the 1839 treaty is extremely doubtful.

Unfortunately for this contention, the Treaty of 1870, to which Mr. Shaw refers, provided for

its own expiration after twelve months and then added:

And on the expiration of that time the independence and neutrality of Belgium will, so far as the high contracting parties are respectively concerned, continue to rest as heretofore on the 1st Article of the Quintuple Treaty of the 19th of April, 1839.

Much has been made by Mr. Shaw and others of an excerpt from a speech of Mr. Gladstone in 1870. In that speech, Mr. Gladstone, as an abstract proposition, declined to accept the broad statement that under all circumstances the obligations of a treaty might continue, but there is nothing to justify the belief that Mr. Gladstone in any respect questioned either the value or the validity of the Treaty of 1839 with respect to Belgium.

Those who invoke the authority of Gladstone should remember that he also said:

We have an interest in the independence of Belgium which is wider than that which we may have in the literal operation of the guarantee. It is found in the answer to the question whether, under the circumstances of the case, this country, endowed as it is with influence and power, would quietly stand by and witness the perpetration of the direst crime that ever stained the pages of history, and thus become participators in the sin.

These words of the great statesman read as a prophecy.

While these treaties were simply declaratory of the rights, which Belgium independently enjoyed as a sovereign nation, yet this solemn guarantee of the great Powers of Europe was so effective that even in 1870, when France and Germany were locked in vital conflict, and the question arose whether Prussia would disregard her treaty obligation, the Iron Chancellor, who ordinarily did not permit moral considerations to warp his political policies, wrote to the Belgian minister in Berlin on July 22, 1870:

In confirmation of my verbal assurance, I have the honor to give in writing a declaration, which, in view of the treaties in force, *is quite superfluous*, that the Confederation of the North and its allies (Germany) will respect the neutrality of Belgium on the understanding of course that it is respected by the other belligerent.

At that time, Belgium had so fine a sense of honor, that although it was not inconsistent with the principles of international law, yet in order to discharge her obligations of neutrality in the spirit as well as the letter, she restricted the clear legal right of her people to supply arms and ammunition

to the combatants, thus construing the treaty to her own disadvantage.

It can be added to the credit of both France and Prussia that in their great struggle of 1870-71, each scrupulously respected that neutrality, and France carried out her obligations to such an extreme that although Napoleon and his army could have at one time escaped from Sedan into Belgium, and renewed the attack and possibly—although not probably—saved France, if they had seen fit to violate that neutrality, rather than break the word of France the Emperor Napoleon and his army consented to the crowning humiliation of Sedan.

In the year 1911, in the course of a discussion in Belgium in respect to the fortifications at Flushing, certain Dutch newspapers asserted that in the event of a Franco-German war, the neutrality of Belgium would be violated by Germany. It was then suggested that if a declaration were made to the contrary in the Reichstag, that such a declaration, "would be calculated to appease public opinion and to calm its suspicions."

This situation was communicated to the present German Chancellor, Von Bethmann-Hollweg, who instructed the German Ambassador at Brussels to assure the Belgian Foreign Minister,

that he was most appreciative of the sentiment which had inspired our [Belgium's] action. *He declared that Germany had no intention of violating our neutrality*, but he considered that by making a declaration publicly, Germany would weaken her military preparation with respect to France, and being reassured in the northern quarter would direct her forces to the eastern quarter.¹

Germany's recognition of the continuing obligation of this treaty was also shown when the question of Belgium's neutrality was suggested at a debate in the Reichstag on April 29, 1913. In the course of that debate a member of the Social Democratic Party said:

In Belgium the approach of a Franco-German war is viewed with apprehension, because it is feared that Germany will not respect Belgian neutrality.²

Herr von Jagow, Secretary of State for Foreign Affairs, replied: "The neutrality of Belgium is determined by international conventions, and Germany is resolved to respect these conventions."

This declaration did not satisfy another member of the Social Democratic Party. Herr von Jagow observed that he had nothing to add to the clear statement which he had uttered with reference to the relations between Germany and Belgium.

In reply to further interrogations from a member of the Social Democratic Party, Herr von Heeringen,

¹ *Belgian Gray Book*, enclosure No. 12.

² *Idem*.

Minister of War, stated: "Belgium does not play any part in the justification of the German scheme of military reorganization; the scheme is justified by the position of matters in the East. Germany will not lose sight of the fact that Belgian neutrality is guaranteed by international treaties."

A member of the same party, having again referred to Belgium, Herr von Jagow again pointed out that his declaration regarding Belgium was sufficiently clear.¹

On July 31, 1914, the Belgian Foreign Minister, in a conversation with Herr von Below, the German Minister at Brussels, asked him whether he knew of the assurance which, as above stated, had been given by Von Bethmann-Hollweg through the German Ambassador at Brussels to the Government at Belgium in 1911, and Herr von Below replied that he did, and added, "that he was certain that the sentiments to which expression was given at that time had not changed."

Thus *on July 31, 1914*, Germany, through its accredited representative at Brussels, repeated the assurances contained in the treaty of 1839, as reaffirmed in 1870, and again reaffirmed in 1911 and 1913.

Germany's moral obligation had an additional express confirmation.

¹ Belgian *Gray Book*, No. 12.

The second International Peace Conference was held at The Hague in 1907. There were present the representatives of forty-four nations, thus making as near an approach to the poet's dream of the "federation of the world" and the "parliament of man" as has yet been possible in the slow progress of mankind.

That convention agreed upon a certain declaration of principles, and among the signatures appended to the document was the representative of His Majesty, the German Emperor.

They agreed upon certain principles of international morality, most of them simply declaratory of the uncodified international law then existing, and these were subsequently ratified by formal treaties of the respective governments, including Germany, which were deposited in the archives of The Hague. While this treaty *as an express covenant* was not binding, unless all belligerents signed it, yet, it recognized an existing *moral* obligation. The Hague Peace Conference proceeded to define the rights of neutral powers, and in so doing simply reaffirmed the existing international law.

The pertinent parts of this great compact, with reference to the sanctity of neutral territory, are as follows:

CONVENTION V

CHAPTER I.—“THE RIGHTS AND DUTIES OF
NEUTRAL POWERS

ARTICLE I.

The territory of neutral Powers is inviolable.

ARTICLE II.

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

ARTICLE X.

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

Notwithstanding these assurances, it had been from time to time intimated by German military writers, and notably by Bernhardi, that Germany would, in the event of a future war, make a quick and possibly a fatal blow at the heart of France by invading Belgium upon the first declaration of hostilities, and it was probably these intimations that led the Belgian Government on July 24, 1914, to consider:

Whether in the existing circumstances, it would not be proper to address to the Powers, who had guaranteed Belgium's independence and its neutrality, a communication for the purpose of confirming to them its resolution to carry out the international

duties which are imposed upon it by treaties in the event of war breaking out on the Belgian frontiers.

Confiding in the good faith of France and Germany, the Belgian Government concluded that any such declaration was premature.

On August 2, 1914, the war having already broken out, the Belgian Foreign Minister took occasion to tell the German Ambassador that France had reaffirmed its intention to respect the neutrality of Belgium, and Herr von Below, the German Ambassador, after thanking Davignon for his information, added that up to the present he had not been

instructed to make us any official communication, but we were aware of his personal opinion respecting the security with which we had the right to regard our eastern neighbors. I [Davignon] replied at once that all we knew of the intentions of the latter, intentions set forth in many former interviews, did not allow us to doubt their [Germany's] perfectly correct attitude toward Belgium.

It thus appears that as late as *August 2, 1914*, Germany had not given to Belgium any intimation as to its intention, *and, what is more important, it had not either on that day or previously made any charge that Belgium had in any way violated its obligations of neutrality, or that France had committed any overt act in violation thereof.*

On July 31, 1914, England, not unreasonably apprehensive as to the sincerity of Germany's oft-repeated protestations of good faith, directed the English Ambassadors at Paris and Berlin to ask the respective governments of those countries "whether each is prepared to respect the neutrality of Belgium, provided it is violated by no other Power."

This question was communicated by Sir Edward Grey to the Belgian Government, with the addition that he (Sir Edward Grey) asked that "the Belgian Government will maintain to the utmost of her power her neutrality which I desire, and expect other Powers to uphold and observe."

Pursuant to these instructions, the English Ambassador to Paris, on the night of July 31, 1914, called upon Viviani, the Minister of Foreign Affairs, and on the same night received a reply which is reported by Sir F. Bertie to Sir Edward Grey, as follows:

French Government is resolved to respect the neutrality of Belgium, and it would be only in the event of some other Power violating that neutrality that France might find herself under the necessity, in order to assure defense of her own security, to act otherwise. This assurance has been given several times. The President of the Republic spoke of it to the King of the Belgians, and the French Minister

to Brussels has spontaneously renewed the assurance to the Belgian Minister for Foreign Affairs to-day.¹

Confirming this, the French Minister at Brussels, on August 1st, made to the Belgian Foreign Minister the following declaration:

I am authorized to declare that in the event of an international conflict, the government of the Republic will, as it has always declared, respect the neutrality of Belgium. In the event of this neutrality not being respected by another Power, the French Government, in order to insure its own defense, might be led to modify its attitude.²

On July 31, 1914, the English Ambassador at Berlin saw the German Secretary of State, and submitted Sir Edward Grey's pointed interrogation, and the only reply that was given was that "he must consult the Emperor and the Chancellor before he could possibly answer," and the German Secretary of State very significantly added that for strategic reasons it was "very doubtful whether they would return any answer at all."

Goschen also submitted the matter to the German Chancellor, who also evaded the question by stating that "Germany would in any case desire

¹ English *White Paper*, No. 125.

² Belgian *Gray Paper*, No. 15.

to know the reply returned to you [the English Ambassador] by the French Government."

That these were mere evasions the events on the following day demonstrated.

On August 1st, Sir Edward Grey saw the German Ambassador in London, and the following significant conversation took place:

I told the German Ambassador to-day that the reply of the German Government with regard to the neutrality of Belgium was a matter of very great regret, because the neutrality of Belgium affected feeling in this country. If Germany could see her way to give the same assurance as that which had been given by France it would materially contribute to relieve anxiety and tension here. On the other hand, if there were a violation of the neutrality of Belgium by one combatant, while the other respected it, it would be extremely difficult to restrain public feeling in this country. I said that we had been discussing this question at a Cabinet meeting, and as I was authorized to tell him this I gave him a memorandum of it.

He asked me whether, if Germany gave a promise not to violate Belgian neutrality, we would engage to remain neutral.

I replied that I could not say that; our hands were still free, and we were considering what our attitude should be. All I could say was that our attitude would be determined largely by public opinion here, and that the neutrality of Belgium would appeal very strongly to public opinion here.

I did not think that we could give a promise of neutrality on that condition alone.¹

On the following day, August 2d, the German Minister at Brussels handed to the Belgian Foreign Office the following "highly confidential" document. After stating that "the German Government has received *reliable information*, according to which the French forces intend to march on the Meuse, by way of Givet and Namur," and after suggesting a "fear that Belgium, in spite of its best will, will be in no position to repulse such a largely developed French march without aid," the document adds:

It is an imperative duty for the preservation of Germany to forestall this attack of the enemy. The German Government would feel keen regret if Belgium should regard as an act of hostility against herself the fact that the measures of the enemies of Germany oblige her on her part to violate Belgian territory.²

Some hours later, at 1.30 A.M. on August 3d, the German Minister aroused the Belgian Secretary General for the Minister of Foreign Affairs from his slumbers and,

asked to see Baron von der Elst. He told him that he was instructed by his Government to inform us

¹ English *White Paper*, No. 123. ² Belgian *Gray Book*, No. 20.

that French dirigibles had thrown bombs, and that a patrol of French cavalry, violating international law, seeing that war was not declared, had crossed the frontier.

The Secretary General asked Herr von Below where these events had taken place; *in Germany, he was answered*. Baron von der Elst observed that in that case he could not understand the object of his communication. Herr von Below said that these acts, contrary to international law, *were of a nature to make one expect that other acts contrary to international law would be perpetrated by France.*¹

As to these last communications, it should be noted that the German Government, neither then nor at any subsequent time, ever disclosed to the world the "reliable information," which it claimed to have of the intentions of the French Government, and the event shows beyond a possibility of contradiction that at that time France was unprepared to make any invasion of Belgium or even to defend its own north-eastern frontier.

It should further be noted that the alleged aggressive acts of France, which were made the excuse for the invasion of Belgium, according to the statement of the German Ambassador himself, *did not take place in Belgium but in Germany*.

¹ Belgian *Gray Paper*, No. 21.

On August 3d, at 7 o'clock in the morning, Belgium served upon the German Ambassador at Brussels the following reply to the German ultimatum, which, after quoting the substance of the German demand, continued:

This note caused profound and painful surprise to the King's Government.

The intentions which it attributed to France are in contradiction with the express declarations which were made to us on the 1st August in the name of the Government of the Republic.

Moreover, if, contrary to our expectation, a violation of Belgian neutrality were to be committed by France, Belgium would fulfill all her international duties, and her army would offer the most vigorous opposition to the invader.

The treaties of 1839, confirmed by the treaties of 1870, establish the independence and the neutrality of Belgium under the guarantee of the Powers, and particularly of the Government of His Majesty the King of Prussia.

Belgium has always been faithful to her international obligations; she has fulfilled her duties in a spirit of loyal impartiality; she has neglected no effort to maintain her neutrality or to make it respected.

The attempt against her independence, with which the German Government threatens her, would constitute a flagrant violation of international law. No strategic interest justifies the violation of that law.

The Belgian Government would, by accepting the propositions which are notified to her, sacrifice the honor of the nation while at the same time betraying her duties toward Europe.

Conscious of the part Belgium has played for more than eighty years in the civilization of the world, she refuses to believe that her independence can be preserved only at the expense of the violation of her neutrality.

If this hope were disappointed the Belgian Government has firmly resolved to repulse by every means in her power any attack upon her rights.

In the records of diplomacy there are few nobler documents than this. Belgium then knew that she was facing possible annihilation. Every material interest suggested acquiescence in the peremptory demands of her powerful neighbor. In the belief that then so generally prevailed, and which recent events have somewhat modified, the success of Germany seemed probable, and if so, Belgium, by facilitating the triumph of Germany, would be in a position to participate in the spoils of the victory.

If Belgium had regarded her honor as lightly as Germany and felt that the matter of self-preservation would excuse any moral dereliction, she would have imitated the example of Luxemburg, also invaded, and permitted free passage to the

German army without material loss of her material prosperity, but with a fatal sacrifice to her national honor.

Even under these conditions Belgium evidently entertained a hope that Germany at the last moment would not, in view of its promises and the protest of Belgium, commit this foul outrage.

The military attaché of the French Government, being apprised of Germany's virtual declaration of war, offered "the support of five French army corps to the Belgian Government," and in reply Belgium, still jealously regardful of her obligation of neutrality, replied:

We are sincerely grateful to the French Government for offering eventual support. In the actual circumstances, however, we do not propose to appeal to the guarantee of the Powers. The Belgian Government will decide later on the action which they think it necessary to take.

As in Cæsar's time, the Belgæ, of all the tribes of Gaul, are in truth "the bravest."

Later in the evening, the King of Belgium met his Ministers, and the offer of France was communicated to them, and again the Belgian Government, still reposing some confidence in the Punic faith of Prussia, decided not to appeal to the

guaranteeing Powers, or to avail itself of the offers of France.

On the following morning at 6 o'clock the German Minister handed this formal declaration of war to the Belgian Government:

I have been instructed, and have the honor to inform your Excellency, that in consequence of the Government of His Majesty the King having declined the well-intentioned proposals submitted to them by the Imperial Government, the latter will, deeply to their regret, be compelled to carry out—if necessary by force of arms—the measures of security which have been set forth as indispensable in view of the French menaces.

Here again, no active violation of Belgium's neutrality by France is alleged, only "French menaces."

The conjecture is plausible that in the case of the Prussian General Staff, it was their "own hard dealings" which thus taught them to "suspect the thoughts of others."

On that day the German troops crossed the Belgian frontier and hostilities began.

On the same day, at the great session of the Reichstag, when the Imperial Chancellor attempted to justify to the world the hostile acts of Germany, and especially the invasion of Belgium,

the pretended defense was thus bluntly stated by the German Premier:

We are now in a state of necessity and necessity knows no law. Our troupes have occupied Luxemburg and perhaps are already on Belgian soil. *Gentlemen, that is contrary to the dictates of international law.* It is true that the French Government has declared at Brussels that France is willing to respect the neutrality of Belgium, so long as her opponent respects it. We knew, however, that France stood ready for invasion. *France could wait, but we could not wait.* A French movement upon our flank upon the lower Rhine might have been disastrous. So we were compelled to override the *just protest* of the Luxemburg and Belgian Governments. *The wrong—I speak openly—that we are committing* we will endeavor to make good as soon as our military goal has been reached. Anybody who is threatened, as we are threatened, and is fighting for his highest possessions, can only have one thought—how he is to hack his way through.

It will be noted that on this occasion, when above all other occasions it was not only the duty, but to the highest interests of Germany, to give to the world any substantial reason for violating the neutrality of Belgium, that the defense of Germany is rested upon the ground of self-interest, —euphemistically called “necessity,”—*and upon none other.*

While Von Bethmann-Hollweg's statement does state that "France held herself in readiness to invade Belgium," there was no intimation that France had done so, or had any immediate intention of doing so. On the contrary, it was added, "*France could wait, we (Germany) could not.*" If Belgium had forfeited its rights by undue favors to France or England, *why did the Chancellor characterize its protest as "just"?*

How Germany fulfilled the promise of its Chancellor, to "make good" the admitted wrong which it did Belgium, subsequent events have shown.

It may be questioned whether, since the Thirty Years' War, any country has been subjected to such general devastating horrors. So little effort has been taken by the conqueror to lessen the inevitable suffering, that fines have been levied upon this impoverished people, which would be oppressive even in a period of prosperity. It is announced from Holland, as this book goes to press, that Germany has imposed upon this war-desolated country a fine of \$7,000,000 per month and an especial fine of \$75,000,000, for its "violation of neutrality."

Were this episode not a tragedy, the sardonic humor, which caused the German General Staff

to impose this monstrous fine upon Belgium for its "violation of neutrality," would have the tragi-comical aspects of Bedlam. It recalls the fable of the wolf who complained that the lamb was muddying the stream and when the lamb politely called the wolf's attention to the fact that it stood lower down on the river side than the wolf, the latter announced its intention to devour the lamb in any event. Such is probably the intention of Prussia. If it prevail Belgium as an independent State will cease to exist and it will be mourned as Poland is. Like Poland, it may have a resurrection.

The war having thus commenced between Germany and Belgium, the brave ruler of the latter country—"every inch a King"—addressed to the King of England the following appeal:

Remembering the numerous proofs of your Majesty's friendship and that of your predecessor, and the friendly attitude of England in 1870 and the proof of friendship you have just given us again, I make a supreme appeal to the diplomatic intervention of your Majesty's Government to safeguard the integrity of Belgium.¹

In reply to that appeal, which no chivalrous nation could have disregarded, Sir Edward Grey

¹ *Belgian Gray Paper*, No. 25.

immediately, on August 4th, advised the British Ambassador in Berlin as follows:

We hear that Germany has addressed a note to Belgian Minister for Foreign Affairs stating that German Government will be compelled to carry out, if necessary by force of arms, the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning be received here by 12 o'clock to-night. If not, you are instructed to ask for your passports, and to say that his Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves.¹

Thereupon Sir Edward Goschen, the British Ambassador in Berlin, called upon the Secretary of State and stated in the name of His Majesty's Government that unless the Imperial Government

could give the assurance by 12 o'clock that night that they would proceed no further with their

¹ English *White Paper*, No. 159.

violation of the Belgian frontier and stop their advance, I had been instructed to demand my passports and inform the Imperial Government that His Majesty's Government would have to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany was as much a party as themselves.

Herr von Jagow replied that to his great regret he could give no other answer than that which he had given me earlier in the day, namely, that the safety of the Empire rendered it absolutely necessary that the Imperial troops should advance through Belgium. I gave his Excellency a written summary of your telegram and, pointing out that you had mentioned 12 o'clock as the time when His Majesty's Government would expect an answer, asked him whether, in view of the terrible consequences which would necessarily ensue, it were not possible even at the last moment that their answer should be reconsidered. He replied that if the time given were even twenty-four hours or more, his answer must be the same. I said that in that case I should have to demand my passports. This interview took place at about 7 o'clock. . . .

I then said that I should like to go and see the Chancellor, as it might be, perhaps, the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began a harangue, which lasted for about twenty minutes. He said that the step taken by His Majesty's Government was terrible to a degree; just for a word—"neutrality," a word which in war time had so often been disregarded—*just for a scrap of paper Great Britain*

was going to make war on a kindred nation who desired nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, and said that, in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, *so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honor of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked.* That solemn compact simply had to be kept, or what confidence could any one have in engagements given by Great Britain in the future? The Chancellor said, "But at what price will that compact have been kept. Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason, that I refrained from adding fuel to the flame by further argument. . . .¹

¹ British *White Paper*, No. 160.

Here again it is most significant, in view of the subsequent clumsily framed defense of German apologists, to note that the German Secretary of State, Herr von Jagow, and his superior, the German Chancellor, did not pretend to suggest that the invasion of Belgium was due to any overt act of France.

With even greater frankness Von Jagow stated the real purpose, which was, "to advance into France by the quickest and easiest way," and to "avoid the more Southern route," which, "in view of the paucity of roads and the strength of the fortresses," would have entailed "great loss of time."

The damning conclusion as to the guilt of Germany, which irresistibly follows from these admitted facts, is sought to be overborne by a pamphlet entitled "*The Truth about Germany*," and subscribed to by a number of distinguished Germans, who are in turn vouched for in America by Professor John W. Burgess of Columbia College. He tells us that they are the "salt of the earth," and "among the greatest thinkers, moralists, and philanthropists of the age." To overbear the doubter with the weight of such authority we are told that this defense has the support of the great theologian, Harnack, the

sound and accomplished political scientist and economist, Von Schmoller, the distinguished philologist, Von Wilamowitz, the well-known historian, Lamprecht, the profound statesman, Von Posadowsky, the brilliant diplomatist, Von Bülow, the great financier, Von Gwinner, the great promoter of trade and commerce, Ballin, the great inventor, Siemens, the brilliant preacher of the Gospel, Dryander, and the indispensable Director in the Ministry of Education, Schmidt. (The adjectives are those of Professor Burgess.)

The average American, as indeed the average citizen of any country, when his natural passions are not unduly aroused, is apt to take a very prosaic and dispassionate view of such matters, and when he has reached his conclusion based upon everyday, commonplace morality, he is not apt to be shaken even by an imposing array of names, fortified by an enthusiastic excess of grandiloquent adjectives. The aristocracy of brains has no monopoly of truth, which is often best grasped by the democracy of common sense.

The defense of these notable representatives of German thought seems to be based upon the wholly unsupported assertion that "England and France were resolved not to respect the neutrality of Belgium."

They say:

It would have been a crime against the German people if the German General Staff had not anticipated this intention. The inalienable right of self-defense gives the individual, whose very existence is at stake, the moral liberty to resort to weapons which would be forbidden except in times of peril. As Belgium would, nevertheless, not acquiesce in a friendly neutrality, which would permit the unobstructed passage of German troops through small portions of her territory, although her integrity was guaranteed, the German General Staff was obliged to force the passage in order to avoid the necessity of meeting the enemy on the most unfavorable ground.

In other words, it seemed preferable to the German General Staff that it should fight in France rather than in Germany, and for this reason Belgium must be ruined.

Notwithstanding this and similar propositions, which are so abhorrent in their political immorality, it is yet gravely suggested by Dr. Dernberg and others that Bernhardt's philosophy does not reflect the true thought of the Prussian ruling classes. Here are representative theologians, economists, historians, statesmen, diplomatists, financiers, inventors, and educators, who, in invoking the support of the educated classes in the United States,

deliberately subscribe to a proposition at which even Machiavelli might have gagged.

We are further told that "the German troops, with their iron discipline will respect the personal property and liberty of the individual in Belgium just as they did in France in 1870," and these scientists, philosophers, and doctors of divinity add that "Belgium would have been wise, if it had permitted the passage of the German troops," for the Belgian people "*would have fared well from the business point of view, for the army would have proved a good customer and paid well.*"

To this defense we are led in the last analysis, that Belgium should have preferred cash to her honor, just as the German General Staff preferred dishonor to the sacrifice of an immediate military advantage.

The possibilities of moral casuistry have been severely tested in the attempt of these apologists for Germany to defend the forcible invasion of Belgium.

The ethical question has been made quite unnecessarily to pivot upon the express contractual obligations of England, Germany, and France with respect to the neutrality of Belgium. The indictment of Germany has been placed upon the sound but too narrow ground that by the Treaty

of 1839, and The Hague Convention of 1907, Germany had obligated itself by a solemn pledge to respect the neutrality both of Luxemburg and Belgium.

If, however, there had been no Hague Convention and no Treaty of 1839, and if Germany, England, and France had never entered into reciprocal obligations in the event of war to respect Belgium's neutrality, nevertheless upon the broadest considerations of international law the invasion without its consent would be without any justification whatever.

It is a fundamental axiom of international law that each nation is the sole and exclusive judge of the conditions under which it will permit an alien to cross its frontiers. Its territory is *sacrosanct*. No nation can invade the territory of another without its consent. To do so by compulsion is an act of war. Each nation's land is its castle of asylum and defense. This fundamental right of Belgium should not be confused or obscured by balancing the subordinate equities between France, Germany, and England with respect to their formal treaty obligations.

Belgium's case has thus been weakened in the forum of public opinion by too insistent reference to the special treaties. The right of Belgium and

of its citizens as individuals, to be secure in their possessions rests upon the sure foundation of inalienable right and is guarded by the immutable principle of moral law, "Thou shalt not steal." It was well said by Alexander Hamilton:

The sacred rights of man are not to be searched for in old parchments and musty records; they are written as with a sunbeam in the whole volume of human nature by the hand of Divinity itself and can never be erased by mortal power.

This truth can be illustrated by an imaginary instance. Let us suppose that the armies of the Kaiser had made the progress which they so confidently anticipated, and had not simply captured Paris, but had also invaded England, and that, in an attempt to crush the British Empire, the German General Staff planned an invasion of Canada. Let us further suppose that Germany thereupon served upon the United States such an arrogant demand as it made upon Belgium, requiring the United States to permit it to land an army in New York, with the accompanying assurance that neither its territory nor independence would be injured, and that Germany would generously reimburse it for any damage.

Let us further suppose—and it is not a very fanciful supposition—that the United States

would reply to the German demand that under no circumstances should a German force be landed in New York or its territory be used as a base of hostile operations against Canada. To carry out the analogy in all its details, let us then suppose that the German fleet should land an army in the city of New York, arrest its Mayor, and check the first attempt of its outraged inhabitants to defend the city by demolishing the Cathedral, the Metropolitan Art Gallery, the City Hall and other structures, and shooting down remorselessly large numbers of citizens, because a few non-combatants had not accepted the invasion with due humility.

Although Germany had not entered into any treaty to respect the territory of the United States, no one would seriously contend that Germany would be justified in such an invasion.

The alleged invalidation of the treaty of 1839 being thus unimportant, Dr. Dernburg and Professor von Mach fall back upon the only remaining defense, that France had already violated the neutrality of Belgium with the latter's consent. *Of this there is no evidence whatever.* We have, on the contrary, the express assurance, which France gave on the eve of the German invasion both to Belgium and England, that it would not violate

the rights of Belgium, and in addition we have the significant fact that when Belgium was invaded, and it was vitally necessary that the French Army should go with all possible speed to its relief and thus stop the invasion and save France itself from invasion, it was ten days before France could send any adequate support. Unhappily it was then too late.

If it were true that France intended to invade Belgium, then of all the blunders that the German Foreign Office has made, the greatest was that it did not permit France to carry out this step, for it would have palliated the action of Germany in meeting such violation by a similar invasion, and it would thus have been an immeasurable gain for Germany and a greater injury to France.

Germany's greatest weakness to-day is its moral isolation. It stands condemned by the judgment of the civilized world. No physical power it can exercise can compensate for this loss of moral power. Even success will be too dearly bought at such a price. There are things which succeed better than success. Truth is one of them.

Under the plea of necessity, which means Germany's desire to minimize its losses of life, Germany has turned Belgium into a shambles, trampled a peaceful nation under foot and almost crushed its

soul beneath the iron tread of its mighty armies.

Almost wounded unto death, and for a time prostrate under the heel of the conqueror, the honor of Belgium shines unsullied by any selfish interests, personal dishonor, or lack of courage.

It is claimed that there were officers of the French Army in Liége and Namur before the war broke out. Neither names nor dates have been given, and the allegation might be fairly dismissed because of the very vagueness of the charge. But even if it were true, international law does not forbid the officers of one nation serving with the armies of another. German officers have for many years been thus employed in Turkey and engaged in training and developing the Turkish Army, but no one has ever contended that the employment by that country of German military officers was a violation of neutrality, or gave rise to a *casus belli*.

It is wholly probable that there were some German officers in Belgium before the war commenced, and if not, there were certainly hundreds of spies, of whose pernicious activities the Belgian people were to learn later to their infinite sorrow, but because Germany employed an elaborate system of espionage in Belgium, it could not

justify France in invading its territory without its permission.

To a lawyer, who has had experience in the judicial ascertainment of truth, there is one consideration that justifies him in disposing of all these vague allegations with respect to French activities in Belgium on the eve of the war, and that is that Germany has not only failed to give any testimony in support of the charges, *but it never suggested this defense until the judgment of the civilized world had branded it with an ineffaceable stain.*

Professor von Mach, a former educator of Harvard University and an apologist for Germany, feels this poverty of evidence and has rather naïvely suggested an adjournment of the case. He says:

Did French officers remain in Liége or in any other Belgian fortress after hostilities had begun, and did France plan to go through Belgium? Germany has officially made both claims. The first can easily be substantiated by The Supreme Court of Civilization by an investigation of the prisoners of war taken in Belgium. Until an impartial investigation becomes possible no further proof than the claim made by the German Government can be produced.

As the French officers taken in Belgium are presumably in German detention camps, it would

seem that Germany should first substantiate its defense by names, dates, and places, although even then the mere capture of French officers in Belgium after the invasion had begun does not necessarily indicate that they were in Belgium before the invasion.

Dr. von Mach adds in the reply, which he made in the *New York Times* to an article contributed by the writer to that journal:

It is impossible to say here exactly what these proofs are which Germany possesses, and which for military reasons it has not yet been able to divulge. . . . This is an important question, and the answer must be left to The Supreme Court of Civilization. The weight of the evidence would seem to point to a justification of Germany. Yet no friend of Germany can find fault with those who would wish to defer a verdict until such time when Germany can present her complete proof to the world, and this may be when the war is over.

This naïve suggestion, that the vital question of fact should be postponed, and in the meantime judgment should be entered for Germany, is refreshing in its novelty. Its only parallel was the contention of the celebrated Dr. Cook, who contended that the world should accept his claim as to the discovery of the North Pole and await the proofs later.

Professor von Mach, in his book, "*What Germany Wants*," further explains this dilatory defense and amplifies it in a manner that is certainly unusual in an historian. He recognizes that the speech of the German Chancellor in the Reichstag on August 4th, in which Von Bethmann-Hollweg admitted that the action of Germany in invading Belgium was wrong and only justified it on the ground of self-preservation, was a virtual plea of guilty by Prussia of the crime, of which it stands indicted at the bar of the civilized world.

Germany's scholarly apologist, as *amicus curiæ*, then suggests that in criminal procedure, when a defendant pleads guilty, the Court often refuses to accept his plea, enters a plea of not guilty for him, and assigns counsel to defend the case. He therefore suggests that the Chancellor's plea of guilty should be disregarded and the Court should assign counsel.

One difficulty with the analogy is that courts do not ordinarily refuse to accept a plea of guilty. On the contrary, they accept it almost invariably, for why try the guilt of a man when he himself in the most formal way acknowledges it?

The only instance in which a court does show such consideration to a prisoner is when the defendant is both poor and ignorant. Then, and

only then, with a fine regard for human right, is the procedure suggested by Prof. von Mach followed.

To this humiliating position, Professor von Mach as *amicus curiæ* consigns his great nation. For myself, as one who admires Germany and believes it to be much greater and truer than its ruling caste or its over-zealous apologists, I refuse to accept the justification of such an absurd and degrading analogy.

The blunt acknowledgment of the German Chancellor in the Reichstag, already quoted, is infinitely preferable to the disingenuous defenses of Germany's ardent but sophistical apologists. Fully recognizing the import of his words, Von Bethmann-Hollweg, addressing the representatives of the German nation, put aside with admirable candor all these sophistical artifices and rested the defense of Germany upon the single contention that Germany was beset by powerful enemies and that it was a matter of necessity for her to perpetrate this "wrong" and in this manner to "hack her way through."

This defense is not even a plea of confession and avoidance. It is a plea of "Guilty" at the bar of the world. It has one merit. It does not add to the crime the aggravation of hypocrisy.

After the civilized world had condemned the invasion of Belgium with an unprecedented approach to unanimity, the German Chancellor rather tardily discovered that public opinion was still a vital force in the world and that the strategic results of the occupation of Belgium had not compensated for the moral injury. For this reason he framed five months after this crime against civilization a belated defense, which proved so unconvincing that the Bernhardi plea of military necessity is clearly preferable, as at least having the merit of candor.

After proclaiming to the world that the German Foreign Office had discovered in Brussels certain secret documents, which disclosed the fact that the neutrality of Belgium at the time of the invasion was a sham and after the civilized world had refused to accept this bald and unsupported assertion, as it had also refused to accent the spurious evidence of a well-known Arctic explorer, the German Foreign Office in December, 1914 published its alleged proofs.

The first purported to be a report of the Chief of the Belgian General Staff to the Minister of War and reported his conversations in 1906 with a military attaché of the British Legation in Brussels.

The second purported to be a report of similar conversations in 1912 between the same officials.

In an authorized statement, published on January 27, 1915, Sir Edward Grey states that there is no record of either of these negotiations in the English Foreign Office or the War Office; but this fact is not in itself conclusive and as there is no evidence that the documents were forged, their genuineness should be assumed in the absence of some more specific denial.

The documents, however, do not appreciably advance the cause of Germany, for they disclose on their face that the conversations were not binding on the Governments of England or Belgium but were simply an informal exchange of view between the officials, and what is far more to the purpose, the whole of the first conversation of April 10, 1906, was expressly based upon the statement that "*the entry of the English into Belgium would take place only after the violation of our neutrality by Germany.*"

The second document also shows that the Belgian Chief of Staff expressly stated that any invasion of Belgium by England, made to repel a prior German invasion, could not take place without the express consent of Belgium, to be given when the occasion arose, and it is further evident

that the statement of the English military attaché—clearly a subordinate official to define the foreign policy of a great Empire—expressly predicated his assumption, that England might disembark troops in Belgium, upon the statement that its object would be to repel a German invasion of Belgian territory.

If it be asked why England and Belgium were thus in 1906 and 1912 considering the contingency of a German invasion of Belgium and the method of effectually repelling it, the reply is obvious that such invasion, in the event of a war between Germany and France, was a commonplace of German military strategists. Of this purpose they made little, if any, concealment. The construction by Germany of numerous strategic railway lines on the Belgian frontier, which were out of proportion to the economic necessity of the territory, gave to Europe some indication of Germany's purpose and there could have been little doubt as to such intention, if Germany had not, through its Foreign Office, given, as previously shown, repeated and continuous assurances to Belgium that such was not its intention.

The German Chancellor—whose stupendous blunders of speech and action in this crisis will be the marvel of posterity—has further attempted to

correct his record by two equally disingenuous defenses. Speaking to the Reichstag on December 2, 1914, he said:

When on the 4th of August I referred to the wrong which we were doing in marching through Belgium, it was not yet known for certain whether the Brussels Government in the hour of need would not decide after all to spare the country and to retire to Antwerp under protest. You remember that, after the occupation of Liège, at the request of our army leaders I repeated the offer to the Belgian Government. For military reasons it was absolutely imperative that at the time, about the 4th of August, the possibility for such a development should be kept open. *Even then the guilt of the Belgian Government was apparent from many a sign, although I had not yet any positive documentary proofs at my disposal.*

This is much too vague to excuse a great crime. The guilt of Belgium is said to be "apparent from many a sign," but what these signs are the Chancellor still fails to state. He admits that they were not documentary in character. If the guilt of Belgium had been so apparent to the Chancellor on August the 4th, when he made his confession of wrong doing in the Reichstag, then it is incredible that he would have made such an admission.

As to the overt acts of France, all that the Chancellor said in his speech of December 2 was "that

France's plan of campaign was known to us and that it compelled us for reasons of self-preservation to march through Belgium." But it is again significant that, speaking nearly five months after his first public utterance on the subject and with a full knowledge that the world had visited its destructive condemnation upon Germany for its wanton attack upon Belgium, *the Chancellor can still give no specific allegation of any overt act by France which justified the invasion.* All that is suggested is a supposed "plan of campaign."

Following this unconvincing and plainly disingenuous speech, the Chancellor proceeded in an authorized newspaper interview on January 25, 1915 to state that his now famous—or infamous—remark about "the scrap of paper" had been misunderstood.

After stating that he felt a painful "surprise to learn that my phrase, 'a scrap of paper,' should have caused such an unfavorable impression on the United States," he proceeds to explain that in his now historic interview with the British Ambassador,

he (von Bethmann-Hollweg) had spoken of the treaty not as a "scrap of paper" for Germany, but as an instrument which had become obsolete through Belgium's forfeiture of its neutrality and that Great

Britain had quite other reasons for entering into the war, compared with which the neutrality treaty appeared to have only the value of a scrap of paper.

Let the reader here pause to note the twofold character of this defense.

It suggests that Germany's guaranty of Belgium's neutrality had become for Germany "a scrap of paper" because of Belgium's alleged forfeiture of its rights as a neutral nation, although at the time referred to the German Chancellor had not only asked the permission of Belgium to cross its territory but immediately before his interview with the British Ambassador he had publicly testified in his speech in the Reichstag to the justice of Belgium's protest.

The other and inconsistent suggestion is that, without respect to Belgium's rights under the treaty of 1839, the violation of its territory by Germany was not the cause of England's intervention; but obviously this hardly explains the German Chancellor's contemptuous reference to the long standing and oft repeated guaranty of Belgium's neutrality as merely a "scrap of paper."

Having thus somewhat vaguely suggested a twofold defense, the Chancellor, without impeaching the accuracy of Goschen's report of the interview, then proceeded to state that the conversation

in question took place immediately after his speech in the Reichstag, in which, as stated, he had admitted the justice of Belgium's protest against the violation of its territory, and he adds that,

when I spoke, I already had *certain indications but no absolute proof* upon which to base a public accusation that Belgium long before had abandoned its neutrality in its relations with England. Nevertheless I took Germany's responsibilities toward the neutral States so seriously that I spoke frankly of the wrong committed by Germany.

If the German Chancellor is truthful in his statement that on August the 4th, when he spoke in the Reichstag and an hour later had his conversation with Goschen, he had "certain indications" that Belgium had forfeited its rights as an independent nation by hostile acts, then the German Chancellor took such a serious view of "Germany's responsibilities" that, without any necessity or justification, he indicted his country at the bar of the whole world with a flagrant wrong. If he could not at that time justify the act of the German General Staff, he should at least have been silent, but, according to his incredible statement, although he had these "certain indications"

and thus *knew* that Germany, in invading Belgium, was simply attacking an already hostile country, he deliberately explains, not only to his nation but to the whole world, that such invasion was a wrong and had no justification in international law. How can any reasonable man, whose eyes are not blinded with the passions of the hour, accept this explanation?

It is even more remarkable that immediately following the session of the Reichstag, when he had his interview with Goschen, the German Chancellor never suggested in his own defense or that of his country, that he had "certain indications," which justified the action that day taken, although he then knew that, unless he could justify it, England would immediately join the already powerful foes of Germany.

The reader need only reread Goschen's report of that interview (*ante*, p. 214) to know how disingenuous this belated explanation is. With the whole world ringing with the infamous phrase, the German Chancellor, after five months of reflection, can only make this pitiful defense. Its acceptance subjects even the most credulous to a severe strain. It exhausts the limit of gullibility.

The defense wholly ignores the fact that the Chancellor had previously sought to bribe Eng-

land to condone in advance the invasion of Belgium by Germany, and that Germany had also coerced Luxemburg into a passive acquiescence in a similar invasion, and there is as yet no pretense that Luxemburg had failed in its obligation of neutrality.

Should the judgment of the civilized world turn from the terrible fate of Belgium and consider the wrong that was done to Luxemburg, then the German Chancellor may, unless better advised, frame further maladroit excuses with reference to that country.

All these explanations, as senseless as they are false, and savoring more of the tone of a criminal court than that of an imperial chancellery, should shock those who admire historic Germany. They are unworthy of so great a nation. Bismarck would never have stooped to such pitiful and transparent deception. The blunt candor of Maximilian Harden, which we have already quoted on page 12, is infinitely preferable and the position of Germany at the bar of the civilized world will improve, when its maladroit Chancellor has the courage and the candor to say, as Harden did, that all this was done because Germany regarded it as for its vital interests and because "we willed it."

Unless our boasted civilization is the thinnest veneering of barbarism; unless the law of the world is in fact only the ethics of the rifle and the conscience of the cannon; unless mankind, after uncounted centuries, has made no real advance in political morality beyond that of the cave dweller, then this answer of Germany cannot satisfy the "decent respect to the opinions of mankind." It is the negation of all that civilization stands for.

Belgium has been crucified in the face of the world. Its innocence of any offense, until it was attacked, is too clear for argument. Its voluntary immolation to preserve its solemn guarantee of neutrality will "plead like angels, trumpet-tongued, against the deep damnation of its taking off."

It may be questioned whether, since the fall of Poland, Civilization has been stirred to more profound pity and intense indignation than by this wanton outrage. Pity, radiating to the utmost corners of the world by the "sightless couriers of the air,"

"Shall blow the horrid deed in every eye
That tears shall drown the wind."

Was it also, as with Macbeth, a case of

"Vaulting ambition which o'erleaps itself
And falls on the other" ?

Time will tell.

Had Germany not invaded Belgium, it is an even chance that England would not have intervened, at least at the beginning of the war.

Germany could have detached a relatively small part of its army to defend its highly fortified Western frontier, and leaving France to waste its strength on frontal attacks on that almost impregnable line of defense, Germany with the bulk of its army and that of Austria could have made a swift drive at Russia.

Is it not possible that that course would have yielded better results than the fiasco, which followed the fruitless drive at Paris?

If Germany succeeds, it will claim that "nothing succeeds like success," and to the disciples of Treitschke and Bernhardi this will be a sufficing answer.

If it fail, posterity will be at a loss to determine which blundered the worst, the German Foreign Office or its General Staff, its diplomats or its generals.

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